

*Office Memorandum* • UNITED STATES GOVERNMENT

TO : Lawrence R. Houston

DATE: 15 October 1952

FROM : [REDACTED]

SUBJECT: [REDACTED]

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1. [REDACTED] has requested an informal opinion whether his estate would be subjected to double inheritance taxation by the State of Connecticut and the District of Columbia in the event that his death should occur under his present circumstances. He owns a summer home in [REDACTED] which is occupied by him for approximately three months of the year. He has owned this house for roughly three years. He owns a house in the District of Columbia in which he resides for the greater part of each year and upon which he pays real property taxes. In addition, he pays District income and personal property taxes.

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2. [REDACTED] has been informed by the local election authorities in Connecticut that his ownership of the house there would entitle him to register to vote in that state. Although I would consider his domicile to be here in the District, I have some hesitation in that [REDACTED] is not certain himself what the Connecticut election authorities required him to sign before enrolling him as a voter. He assures me that they fully understand that he considers himself a District domiciliary. I don't believe that it is possible to express an unqualified opinion that Connecticut would not assert primary jurisdiction to tax his estate, particularly since he may have recorded himself as a legal resident of Niantic and Connecticut may consider that tantamount to domicile. I have not made a full search of the Connecticut decisions on this point.

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3. Domicile is an illusory concept at best. Starting from the premise that no person can have two domiciles, the pertinent facts as [REDACTED] has furnished them, point to a District domicile except, as noted, for his election to vote in Connecticut. I would consider this not determinative per se, because of the lack of District franchise coupled with [REDACTED] federal service. The fact that his domicile has never been in Connecticut is also helpful. Furthermore, the Connecticut authorities have full knowledge of his status and are making what conceivably is a concession in allowing him to register with the realization that he will not be able to vote elsewhere. As a suggestion it might be helpful if [REDACTED] maintained a file of any correspondence he may have had with the Niantic election authorities and some other documentation of any conversations relative to his registration.

4. Both the District of Columbia and the State of Connecticut have provisions for taxing the transfer of the estates of both residents

and non-residents. The term "residence" as here used refers to domicile. In the case of a resident all of the property having a taxable situs in the jurisdiction would be subject to tax. In the case of a non-resident, only taxable personalty and real estate would be included. In both the District of Columbia and the State of Connecticut the inheritance tax is determined at varying rates depending upon the proximity of relationship between the decedent and the beneficiary and the amount of property involved. In addition, each jurisdiction assesses a further estate tax equal to the difference between the inheritance tax and 80% of the basic Federal tax. The District would allow a credit against this further tax not to exceed the amount of any inheritance tax paid any other state to the extent such credit was allowed under the Federal estate tax laws. Connecticut does not allow any such credit.

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5. I have made no study of comparative tax rates inasmuch as this would be impractical without knowledge of the extent of [redacted] assets and the provisions of his will. Furthermore, I have made no attempt to consider practical desirabilities of claiming primary jurisdiction in Connecticut since I have assumed that [redacted] himself, claims a District domicile and would prefer administration here.

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